

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MARCO E. TORRES, JR.,

Petitioner,

vs.

**SCOTT FRAKES, Director, Nebraska
Department of Correctional Services;**

Respondent.

4:17CV3078

PROGRESSION ORDER

The court enters the following Progression Order:

1. The Respondent shall file an additional designation of state court records relevant to the Habeas Petition and Amendment to Habeas Petition's constitutional claims within 60 days of entry of this order. The additional designation shall supplement the state court records previously filed ([Filing No. 16](#)) in light of the additional state court proceedings that occurred during the stay previously granted by this Court. The additional designation shall include the additional state court proceedings as well as records previously ordered ([Filing No. 27](#)). The additional state court records are contemplated as being records that are part of the state court records on file with the Hall County District Court Clerk or the Clerk of the Nebraska Supreme Court.

2. The Petitioner shall have 30 days after the filing of the additional state court records to file a motion requesting any further state court records, which motion should explain why more state court records are relevant and needed.

3. The Petitioner shall file a brief addressing all matters germane to the case and the Petitioner's habeas claims. The Petitioner's brief shall be filed no later than 60 days after the Respondent has filed the additional state court records in accordance with paragraph 1 or after the

filing of more state court records per paragraph 2, whichever date is the latest for the filing of the additional state court records.

4. The Respondent shall file a brief in response to the Petitioner's brief no later than 60 days after the filing of the Petitioner's brief.

5. The Petitioner shall file a reply brief no later than 30 days after the Respondent's brief is filed.

6. No discovery shall be undertaken without leave of Court.

Dated this 20th day of January, 2021.

BY THE COURT:

s/Michael D. Nelson

United States Magistrate Judge